

22, 1919, and transported from the State of Louisiana into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs including ipecac and squill, small amounts of morphine and acetic acid, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the labeling of the said article contained statements to the effect that it was recommended as hastening a cure for whooping cough, pains in the breast, asthma, croup, hoarseness, inflammation of the lungs and catarrhal affections, pneumonia, incipient consumption, pains in the joints, bones, and muscles, and difficulty in breathing, which said statements regarding the curative and therapeutic effect of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11025. Misbranding of olive oil. U. S. v. 29 Half-gallon Cans and 47 Gallon Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15641. I. S. Nos. 13885-t, 13886-t. S. No. W-1034.)

On November 29, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 29 half-gallon cans and 47 gallon cans of olive oil, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Old Monk Olive Oil Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about November 12, 1921, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "France Old Monk Olive Oil Virgin * * * From Nice, France Old Monk Olive Oil Co. New York—Chicago—Nice Net Contents One Half Gallon" (or "One Gallon").

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Contents One Half Gallon," appearing on each of the said half-gallon cans, and the statement, to wit, "Net Contents One Gallon," appearing on each of the said gallon cans, were false and misleading and deceived and misled the purchaser in that the net contents of the said half-gallon cans was less than one-half gallon and the net contents of each of the said gallon cans was less than one gallon. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 10, 1922, the Old Monk Olive Oil Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11026. Adulteration and misbranding of milk chocolate dainties. U. S. v. 204 $\frac{1}{2}$ -Pound Boxes of Milk Chocolate Dainties. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15778. I. S. No. 8139-t. S. No. E-3805.)

On March 17, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 204 $\frac{1}{2}$ -pound boxes of milk chocolate dainties, remaining in the original unbroken packages at Allentown, Pa., consigned by Brewster Sons Co., Newark, N. J., alleging that the article had been shipped from Newark, N. J., on or about February 11, 1922, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Half

Pound Net Dairy Maid Brand Sweet Milk Chocolate Dainties Made By Brewster Sons Company Newark, N. J."

Adulteration of the article was alleged in the libel for the reason that excessive shells had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the packages in which the article was inclosed bore the following statement, regarding the said article and the ingredients and substances contained therein, to wit, "Sweet Milk Chocolate Dainties," which said statement was false and misleading in that the said packages did not in fact contain sweet milk chocolate dainties.

On October 6, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11027. Misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15819. I. S. No. 9373-t. S. No. E-3827.)

On March 30, 1922, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 sacks of cottonseed meal, remaining in the original unbroken packages at River Junction, Fla., alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., on or about February 20, 1922, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Guaranteed Analysis. Ammonia (Actual and potential) 7.00 per cent (Equivalent to Protein 36.00 per cent) Phosphoric Acid 2.00 per cent Potash (K_2O) 1.00 per cent Made from short staple cotton seed only."

It was alleged in substance in the libel that the article was transported in violation of the provisions of the Food and Drugs Act, in that the said sacks were labeled as follows, "100 lbs. Gross. 99 lbs. Net. Second Class Cotton Seed Meal Manufactured By Planters Oil Co. Albany, Georgia. Guaranteed," which said statements were false and misleading in that the said article did not contain the substances hereinbefore set forth as described in the labels, but was deficient in ammonia and contained peanut hulls and excessive quantities of fiber.

On July 10, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11028. Adulteration of paprika. U. S. v. 49 Bags and 1 Bag of Paprika. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16121, 16122. I. S. No. 15958-t. S. No. E-3852.)

On April 24, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 50 bags of paprika, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Penalva y Ca., from Orihuela, Spain, and was entered on or about March 14, 1922, having been transported from a foreign country into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was described in consular invoice as "Pimenton" and in the custom-house entry as "Ground Red Pepper."

Adulteration of the article was alleged in the libel for the reason that a substance, a fixed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On May 15, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*